

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 563/90
XXXXXX

199

DATE OF DECISION 15.10.90

Dolly Alex _____ Applicant (s)

Mr MR Rajendran Nair _____ Advocate for the Applicant (s)

Versus

The Senior Superintendent of Respondent (s)
Post Offices, Thalasseri and 2 others.

Mr TPM Ibrahim Khan _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

Shri NV Krishnan, Administrative Member

The applicant was provisionally appointed by the respondent as EDBPM at Mundakutty Post Office, consequent on the retirement of the regular incumbent, w.e.f. 14.1.90.

She continued to hold this post till 7.6.90 when her charge was handed over to the Mail Overseer.

2 When proceedings for regular selection of a candidate to fill this post were being taken by the respondents and when she came to know that her claim was not been considered, she approached this Tribunal with this application praying that the respondents be directed to consider her claims for

selection to that post. In accordance with the interim order passed by us pending disposal of this application, the respondents were to interview the applicant also when selection for the above post was to be conducted on 12.7.90 or any deferred date subject to the disposal of this application. Accordingly, the interview was held on 26.7.90 and the applicant was also interviewed. The learned counsel for the respondents has produced ^{u A} before us the results of the interview. On perusal of the result shows that, on merits, the applicant is chosen to be selected candidate and it has been decided to provisionally appoint the applicant as EDBPM, subject to verification of the particulars of income as well as the particulars of residence furnished by her in her application which have influenced the decision of the authorities in selecting her in this post.

3 Now that the applicant has been selected in ^{u only} this manner, the question we have to decide is whether the applicant was entitled to be considered by the authorities for such selection. We have consistently held the view that when once a person is provisionally appointed by the Department to ED Post, pending selection for that post, it is incumbent on the respondents to consider the claim of that person, irrespective of whether his name is sponsored by the Employment Exchange or not. Therefore, we declare that the applicant was entitled

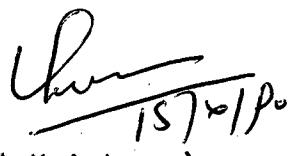
to be considered by the Department.

4 Having been selected in the above manner, we are of the view that no other grievance subsists in this application and hence this application is treated as closed. This application is disposed of accordingly and there will be no order as to costs.


(N Dharmadah)

Judicial Member

15/10/90


(NV Krishnan)

Administrative Member

15.10.90